

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VALIENT GREEN,

Plaintiff,

v.

DAVID G. BETH,

Defendants.

ORDER

Case No. 15-cv-540-bbc

Plaintiff Valient Green, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983. Plaintiff requests leave to proceed without prepayment of the filing fee. Plaintiff is a prisoner and, therefore, subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether plaintiff can proceed with this case, plaintiff will have to make an initial partial payment of the filing fee.

The initial partial payment cannot be calculated at this time because plaintiff has not submitted a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2). Plaintiff has submitted a weekly canteen statement for the week of August 18, 2015. Instead, plaintiff must submit a certified copy of a trust fund account statement for the *entire* six-month period immediately preceding the filing of the complaint.

Plaintiff's trust fund account statement should cover the six-month period beginning approximately February 19, 2015 and ending approximately August 19, 2015. Once plaintiff has submitted the necessary statement, I will calculate the initial partial payment and advise plaintiff of the amount due before then court can screen the merits of the complaint under

§ 1915(e)(2).

Plaintiff has also filed a motion to use release account funds to pay the entire fee for filing this case. (Dkt. #2). However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use the release account funds to pay the entire filing fee, and so plaintiff's motion will be denied.

ORDER

IT IS ORDERED that,

1. Plaintiff Valient Green may until September 22, 2015 to submit a trust fund account statement for the period beginning approximately February 19, 2015 and ending approximately August 19, 2015. If, by September 22, 2015, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.
2. Plaintiff Valient Green's motion for use of release account funds to pay the entire filing fee in this case (Dkt. #2) is DENIED.

Entered this 4th day of September, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge